

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 5/4/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

TIFFANY RANDOLPH,

Defendant.

No. 19-CR-471-01 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge

On February 11, 2020, the Court entered a judgment against Defendant in the present criminal case. (ECF No. 79.) Defendant pled guilty to one count of money laundering, a Class C felony, in violation of 18 U.S.C. § 1956(a)(1)(B)(i). (*Id.*) The Court did not impose a term of imprisonment upon Defendant, but it did impose two years of probation, including six months of home confinement. (*Id.*) Defendant, now proceeding *pro se*, filed an application on February 6, 2023 requesting a certificate of relief from civil disabilities. (ECF No. 82.)

Section 702 of New York Correction Law grants “any court of this state” power to issue a certificate of relief from civil disabilities, N.Y. Correct. Law § 702; federal courts, however, are *not* empowered to “relieve civil disabilities under Section 702.” *United States v. Reich*, 04–CR–587 (NGG), 2007 WL 2891600, at * 1 (E.D.N.Y. Sept. 28, 2007) (citing *United States v. Da Grossa*, 446 F.2d 902, 902–03 (2d Cir. 1971) (holding that federal courts lack authority under Section 702 to issue a certificate of relief from civil disabilities incurred as a result of a federal conviction because a federal court is not a “court of this state” as required by Section 702)). As such, Defendant should direct her application to a court of the State of New York, not a federal court. *See United States v. Fierman*, No. 99 CR. 1086 (AKH), 2002 WL 31640575, at *1 (S.D.N.Y. Nov. 20, 2002) (collecting cases) (directing petitioner to file their application with either

the New York State Supreme Court or with the New York State Board of Parole).

For the foregoing reasons, Defendant's application is DENIED.

The Clerk of Court is directed to terminate the motion at ECF No. 82.

The Clerk of Court is respectfully directed to mail a copy of this Order to Defendant Tiffany Randolph at 177 Gibson Ave., White Plains, NY 10607 and show service on the docket.

Dated: May 4, 2023
White Plains, New York

SO ORDERED:

A handwritten signature in blue ink, appearing to read 'Nelson S. Román', is written over a horizontal line.

NELSON S. ROMÁN
United States District Judge